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Dear Chris

BANES Core Strategy
Paper BNES/24 "Monitoring and Review of the Core Strategy"

Please find attached (electronically) our response to the Monitoring Paper produced by BANES Council on the matter of Monitoring. At this stage we have no further comments to make on the Green Belt Paper or the Student Accommodation. In respect of the former we rely on our main submission.

Two paper copies will be sent to you in tonight's post first class.

Kind regards.

Yours sincerely,



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RESPONSE FROM RHL TO BNES/24 “MONITORING REVIEW OF THE CORE STRATEGY”

This short note constitutes a written response to BNES/24 by RHL.

An examination of the Paper makes it clear that, notwithstanding the comments contained in Chapter 7 “Monitoring & Review” there is currently no Policy requirement on the Council to undertake a Review. The overall changes to Policy anticipated by the additions to Policy DW1 may provide some slight strengthening in the need for a review of the overall document. However, it still begs the question as to what action can be taken against the Council if it fails to comply with its own Policy requirements. We remain very concerned that whatever is set out (even in Policy) will ensure that the Council adhere to any timetable. Whilst ultimately we are aware that the Secretary of State can direct any Council to undertake a Review of its Plan, this fallback position for the Secretary of State is usually only taken as a last resort. There is no indication as to what will happen if the Council do not comply with the Policy.

Given its commitment to securing much lower growth rates than is anticipated in the ONS and other documentation, we see little prospect of the Authority voluntarily undertaking a Review which increases the overall targets (see below). The difficulty is that once the Authority has secured a strategy which is reliant on lower housebuilding rates and lower job growth with no review of the Green Belt, then there is no incentive whatsoever for it to review its position at any stage in the future. This particularly applies to that part of monitoring which is designed not just to ensure that targets are being met but particularly as to whether the targets remain relevant; this is referred to as “appropriate targets” in Paragraph 3 of the BNES/24. Given that such a review will inevitably trigger the Section 110 Localism Act “duty to co-operate” (as presumably agreed by all parties) then there is even less incentive to press ahead with an early review.

Whilst RHL has already expressed considerable doubts about the efficacy of the monitoring process generally, if the Inspector is minded to recommend such an approach there need to be a number of specific requirements imposed upon the Authority as part of the review process. This should include:-

1. a review of the Core Strategy within 5 years;
2. a proper comprehensive review of Green Belt boundaries within BANES area;

3. a full re-evaluation of housing needs using nationally valid statistics and projections for both housing and employment growth;
4. an undertaking to incorporate within the review the “duty to co-operate” not only with the other authorities within the West of England Partnership area but also the adjoining authorities to the South and East i.e. Mendip District Council and Wiltshire Council;
5. Monitoring of the BANES growth strategy for homes and employment in the wider sub regional context.

These specific points should be incorporated within a revised Policy DW1 addition.

Comments on specific paragraphs in BNES/24

Paragraphs 4 to 5: These two paragraphs merely indicate that the Authority will record dwelling completions, employment floorspace growth and job growth to see whether these meet the annualized targets contained within the submitted Core Strategy i.e. 11,000 homes to 2026 and 8,700 jobs. As such, whilst monitoring “delivery” is the bare minimum which should be undertaken by any Authority, the Papers still do not explain how employment growth in particular is to be monitored. The employment growth target is a net target and therefore it is incumbent upon the Authority to make some assessment as to job increases and losses within the existing floorspace. It is not simply a question of measuring new floorspace and estimating job numbers from this. We do not see the necessary infrastructure in place to achieve this level of detail and the Paper provides no clear guidance on how this information will be collected.

So far as housing completions are concerned, these are rather easier to collect, albeit there is inevitably some delay in data collection (6 to 9 months). It goes on to suggest that monitoring in the first 5 years will need to demonstrate that the planned housing levels will be expected to have “no realistic prospect of delivery” by 2026. Despite concerns from all developers present at the Examination in respect of many of the proposed brownfield sites within Bath, it is difficult to envisage the Council accepting that delays in the first five years will demonstrate this relatively low target cannot be met in the following 10 years i.e. before 2026. In any event there is a requirement on the Authority to provide a 5 Year supply of housing land in accordance with PPS3 and (probably) in accordance with the emerging NPPF. This becomes a relevant consideration at appeals in the event that the Authority

cannot demonstrate the minimum requirement i.e. either 5 years or 5 years plus 20% (PPS3 and draft NPPF respectively).

Therefore contrary to the comments contained in the last sentence of Paragraph 4, a failure of BANES Council to achieve its own low housing numbers does not require a review of the Spatial Strategy of the whole of the West of England to identify new strategic allocations; on the contrary it should initially be a specific requirement of the Council to meet these needs within its own area. The expectation amongst developers is that in order for this Authority to be put in a position where it delivers even the very low housing numbers, it will be necessary for the 5 Year Land Supply Assessments to “frontload” any housing shortfalls in the preceding years so that these are resolved in the ensuing 5 Year period. Unfortunately authorities have been able to spread out underprovision in the initial years over the remaining part of the Plan period i.e. to 2026 in this case so that when ultimately these are rolled up they become impossible to meet (for purely practical reasons), towards the end of the Plan period. Various statements in the BANES Papers demonstrate that Local Plan shortfalls are simply written off by the Authority rather than being properly addressed.

Paragraph 6: This deals with the review of growth targets and suggests that the appropriateness of the Core Strategy development targets may need to be reviewed. However, in this Paragraph growth is couched primarily in economic terms with the suggestion that, if job growth occurs at a faster rate than anticipated i.e only 435 jobs per annum, then the requisite housing supply may need to be increased taking account of the homes jobs ratio (HJR) discussed at previous sessions of the Examination. However, setting aside the very strong objections to the HJR voiced by all developer participants at the Examination, it raises again the question of how the Authority intend to monitor job growth. No satisfactory explanation has been given as to the methods of measuring this; nor has any consideration been given to the circular nature of the arguments. If housing and employment growth is so interdependent (as claimed by the Authority) then a shortage of housing will automatically cut back the opportunities for job growth.

Paragraph 7: Having regard to the comments relating to Paragraph 6, the suggestion in Paragraph 7 that the “appropriateness” of the job target will be determined by economic growth forecasts begins to make the whole argument circular. Moreover, given that BANES has in the past achieved growth rates which are significantly lower than other parts of the West of England Partnership area, it has to be asked whether the Core Strategy is meeting

the overall requirements of the Chancellor of the Exchequer's 2011 "Planning for Growth Agenda". The significantly lower growth rates attributable to BANES by Oxford Econometrics (and others) suggests that the City of Bath (in particular) is not making the most of its economic potential for a variety of reasons. Therefore, irrespective of growth forecasts from the OBR and others, it appears that the Council will be quite content to adhere to the very low job growth targets which it has set itself in the Core Strategy. As such they currently represent the "appropriate targets" and there is no triggering device to decide when these should be reviewed.

Paragraph 8: The use of the HJR has been heavily criticized through the Examination. It is sufficient to say that neither RHL nor others regard this as claimed as "a useful and flexible way of assessing overall housing requirements"; by contrast we (and others) take the view that it is merely a statistical device designed to depress economic growth targets below that which would otherwise be the case, and to reduce housing provision to a level which can allegedly be achieved on brownfield sites within the Council area.

Given the comments made by Council Officers at the Examination dealing with the HJR, it is rather surprising to read that now the Council does not expect the ratio to change substantially and as such it will not be monitored! At previous sessions of the Examination Council Officers gave the impression that the HJR may change in the future and would need to be re-assessed. However, it is clearly the case that the amount of data required to monitor the HJR is very substantial. Consequently this statement in the BNES/24 suggests that any monitoring of the ratio has now been abandoned. This does rather bring into question the whole basis for the ratio in the first place. As we have stated it is merely a statistical relationship which varies quite substantially across the authorities within the West of England Partnership area already. If the Authority are not even going to bother to monitor their own ratio then they ought to abandon it as the basis for all its population and housing projections.

Paragraph 9: It is noted that when the review takes place the Council will agree to comply with the new "duty to co-operate". However, in the second sentence of this paragraph it is simply stated that if additional growth is identified as being required in the future then its spatial distribution should be assessed on a West of England basis. We do not necessarily agree with this statement because the housing needs which derive solely from within BANES should be met within that Authority using the nationally derived statistical basis.

Only where either BANES or one of its adjoining authorities (most likely Bristol City Council) cannot meet these needs is there an overriding need for a sub regional view to be taken. Moreover, this sub regional view is not necessarily restricted to the West of England Partnership area. For example, if BANES (for whatever reason) is unable to meet its own projected needs, and no provision is to be made within the adjoining Council areas within the West of England Partnership area, then pressure will be exerted on the adjoining Council areas outside the Green Belt e.g. Mendip and Wiltshire. Indeed it is fair to say that there is already a strong likelihood that this process will occur as a result of the reduced housing numbers in the submitted BANES Core Strategy.

Paragraph 10: It is noted that in this section the Council acknowledge that there is a need for improved arrangements with Wiltshire and Somerset authorities. Reference is also made to the West of England Planning, Housing and Communities Board and the LEP. However, history suggests that even when these four authorities were linked together with a joint Structure Plan (for the former County of Avon) there were difficulties in securing the agreement of all four authorities. Consequently there needs to be some method of ensuring proper arbitration in the event that no agreement is reached between the various parties. Such arbitration must be binding otherwise the use of the “duty to co-operate” becomes wholly inadequate to ensure that there is a proper sub regional overview by cross border issues as anticipated by the Localism Act. The fact that the Act itself makes it a requirement (See 112) for Inspectors to test this point ensures some degree of arbitration. Unfortunately however this aspect of the Localism Act does not appear to require Inspectors to provide reasoning on this issue. Consequently arbitration at an earlier stage using properly co-ordinated data at the sub regional level would appear to be more appropriate.